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DISTRICT OF UTAH  
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UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

GERHARD W. GOHLER, IRA, et al., ) ~~NOTICE~~ ORDER AWARDING  
On Behalf of Themselves and All ) REPRESENTATIVE PLAINTIFFS'  
Others Similarly Situated, ) COUNSEL'S FEES AND EXPENSES  
Plaintiffs, ) FROM SETTLEMENT FUND  
vs. )  
ROBERT L. WOOD, et al., )  
Defendants. )  
No. 92-C-181-S

Entered on                       
by:                       
Deputy Clerk

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THIS MATTER having come before the Court on August 28, 1998, on the application of counsel for the Representative Plaintiffs for an award of attorneys' fees and reimbursement of expenses incurred in the Litigation, the Court, having considered all papers filed and proceedings conducted herein, having found the Settlement of this action to be fair, reasonable and adequate and otherwise being fully informed in the premises and good cause appearing therefor, it is hereby ORDERED, ADJUDGED AND DECREED that:

1. All of the capitalized terms used herein shall have the same meaning as set forth in the Stipulation and Agreement of Partial Settlement dated as of May 21, 1998 ("Stipulation").


2. This Court has jurisdiction over the subject matter of this application and all matters relating thereto, including all members of the class who have not timely and validly requested exclusion.

3. The Court hereby awards Representative Plaintiffs' counsel attorneys' fees of thirty percent (30%) of the Settlement Fund and expenses in an aggregate amount of \$5,515.42, together with the interest earned thereon for the same time period and at the same rate as that earned on the Settlement Fund until paid. Said fees and expenses shall be allocated by Plaintiffs' Settlement Counsel in a manner in which Plaintiffs' Settlement Counsel in good faith believe reflects the contributions of each firm to the prosecution and Settlement of the Litigation. The Court finds that the amount of fees awarded is fair and reasonable under the "percentage-of-recovery" method giving due consideration to the Johnson factors.

4. The awarded attorneys' fees and expenses and interest earned thereon, shall be paid to Plaintiffs' Settlement Counsel from the Settlement Fund no later than three business days after the date this Order is executed subject to the terms, conditions and obligations of the Stipulation which terms, conditions and obligations are incorporated herein.

IT IS SO ORDERED.

DATED: August 28, 1998

  
\_\_\_\_\_  
THE HONORABLE DAVID SAM  
UNITED STATES DISTRICT JUDGE

Submitted by:

MILBERG WEISS BERSHAD  
HYNES & LERACH LLP  
WILLIAM S. LERACH  
KEITH F. PARK  
BLAKE M. HARPER (#1377)  
THEODORE J. PINTAR  
STEVEN W. PEPICH

  
\_\_\_\_\_  
KEITH F. PARK

600 West Broadway, Suite 1800  
San Diego, CA 92101  
Telephone: 619/231-1058

SCHUBERT & REED LLP  
ROBERT C. SCHUBERT  
JUDEN JUSTICE REED  
Two Embarcadero Center  
Suite 1050  
San Francisco, CA 94111  
Telephone: 415/788-4220

HAGENS & BERMAN  
STEVE W. BERMAN  
CLYDE A. PLATT  
JEFFREY T. SPRUNG  
1301 Fifth Avenue  
Suite 2929  
Seattle, WA 98101  
Telephone: 206/623-7292

Co-Lead Counsel for Plaintiffs

ANDERSON & KARRENBURG  
THOMAS R. KARRENBURG (#3726)  
SCOTT A. CALL (#0544)

  
\_\_\_\_\_  
SCOTT A. CALL

700 Bank One Tower  
50 West Broadway  
Salt Lake City, UT 84101  
Telephone: 801/534-1700

Liaison Counsel for Plaintiffs

KAPLAN, KILSHEIMER & FOX  
ROBERT N. KAPLAN  
685 Third Avenue, 26th Floor  
New York, NY 10017  
Telephone: 212/687-1980

SHAPIRO, GRACE & HABER  
EDWARD F. HABER  
75 State Street  
Boston, MA 02109  
Telephone: 617/439-3939

LAW OFFICES OF DAVID K.  
ISOM  
DAVID K. ISOM (#4773)  
Sixty East South Temple  
Suite 1680, Eagle Gate Tower  
Salt Lake City, UT 84111  
Telephone: 801/366-6000

LAW OFFICE OF JUSTINE FISCHER  
JUSTINE FISCHER  
400 Director Building  
808 S.W. Third Avenue  
Portland, OR 97204  
Telephone: 503/222-4326

Attorneys for Plaintiffs

DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, a citizen of the United States and a resident of the County of San Diego, over the age of 18 years, and not a party to or interested in the within action; that declarant's business address is 600 West Broadway, Suite 1800, San Diego, California 92101.

2. That on August 11, 1998, declarant served the [PROPOSED] ORDER AWARDING REPRESENTATIVE PLAINTIFFS' COUNSEL'S FEES AND EXPENSES FROM SETTLEMENT FUND by depositing a true copy thereof in a United States mailbox at San Diego, California in a sealed envelope with postage thereon fully prepaid and addressed to the parties listed on the attached Service List.

3. That there is a regular communication by mail between the place of mailing and the places so addressed.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 11th day of August, 1998, at San Diego, California.

  
DANELLE L. MCNERTNEY

BONNEVILLE  
Service List - 05/07/98  
Page 1

COUNSEL FOR PLAINTIFF(S)

Thomas R. Karrenberg  
ANDERSON & KARRENBERG  
700 Bank One Tower  
50 West Broadway  
Salt Lake City, UT 84101  
801/534-1700  
801/364-7697 (fax)

Edward F. Haber  
SHAPIRO HABER & URMY, LLP  
75 State Street  
Boston, MA 02109  
617/439-3939  
617/439-0134 (fax)

Steve W. Berman  
Clyde A. Platt  
Jeffrey T. Sprung  
HAGENS & BERMAN, P.S.  
1301 Fifth Avenue, Suite 2929  
Seattle, WA 98101  
206/623-7292  
206/623-0594 (fax)

Robert C. Schubert  
Juden Justice Reed  
SCHUBERT & REED LLP  
Two Embarcadero Center  
Suite 1050  
San Francisco, CA 94111  
415/788-4220  
415/788-0161 (fax)

COUNSEL FOR DEFENDANTS

J. Michael Hansen  
SUITTER AXLAND  
175 South West Temple  
Seventh Floor  
Salt Lake City, UT 84101-1480  
801/532-7300  
801/532-7355 (fax)

Allan Sullivan  
VAN COTT BAGLEY CORNWALL &  
MCCARTHY  
50 S. Main #1600  
Salt Lake, UT 84144  
801/532-3333  
801/534-0058 (fax)

Gary F. Bendinger  
GIAUQUE, CROCKETT, BENDINGER &  
PETERSON  
170 South Main, Suite 400  
Salt Lake City, UT 84101-1664  
801/533-8383  
801/531-1486 (fax)

Steve Perry  
MUNGER, TOLLES & OLSON  
355 South Grand Avenue  
35th Floor  
Los Angeles, CA 90071-1560  
213/683-9100  
213/687-3702 (fax)

Dale Barnes  
MCCUTCHEN, DOYLE, BROWN &  
ENERSEN LLP  
Three Embarcadero Center  
San Francisco, CA 94111-4066  
415/393-2000  
415/393-2286 (fax)

klh

United States District Court  
for the  
District of Utah  
August 31, 1998

\* \* MAILING CERTIFICATE OF CLERK \* \*

Re: 2:92-cv-00181

True and correct copies of the attached were mailed by the clerk to the following:

Mr. Richard D Burbidge, Esq.  
BURBIDGE & MITCHELL  
139 E SOUTH TEMPLE STE 2001  
SALT LAKE CITY, UT 84111  
FAX 9,3552341

Jeffrey N. Walker, Esq.  
HOLMAN & WALKER  
7821 S 700 E STE 8  
SANDY, UT 84070

Mr. Randon W Wilson, Esq.  
JONES WALDO HOLBROOK & MCDONOUGH  
170 S MAIN ST STE 1500  
PO BOX 45444  
SALT LAKE CITY, UT 84145-0444

Judge William B. Bohling, Esq.  
THIRD DISTRICT COURT  
240 E 400 S  
SALT LAKE CITY, UT 84111

Robert C. Schubert, Esq.  
SCHUBERT & REED LLP  
TWO EMBARCADERO CTR STE 1050  
SAN FRANCISCO, CA 94111

Edward F. Haber, Esq.  
SHAPIRO GRACE & HABER  
75 STATE ST  
BOSTON, MA 02019

Mr. David K Isom, Esq.  
DAVID K ISOM LAW OFFICES  
60 E SOUTH TEMPLE  
1680 EAGLE GATE TOWER  
SALT LAKE CITY, UT 84111-1006  
FAX 9,3666010

Mr. Scott A. Call, Esq.

ANDERSON & KARRENBERG  
50 W BROADWAY STE 700  
SALT LAKE CITY, UT 84101  
FAX 9,3647697

Mr. Thomas R Karrenberg, Esq.  
ANDERSON & KARRENBERG  
50 W BROADWAY STE 700  
SALT LAKE CITY, UT 84101  
FAX 9,3647697

Mr. Douglas J Parry, Esq.  
PARRY LAWRENCE & WARD PC  
60 E SOUTH TEMPLE STE 1270  
SALT LAKE CITY, UT 84111  
FAX 9,5213484

Blake M. Harper, Esq.  
MILBERG WEISS BERSHAD HYNES & LERACH  
600 W BROADWAY STE 1800  
SAN DIEGO, CA 92101  
FAX 8,619,2317423

Theodore J. Pintar, Esq.  
MILBERG WEISS BERSHAD HYNES & LERACH  
600 W BROADWAY STE 1800  
SAN DIEGO, CA 92101

Steve W. Berman, Esq.  
HAGENS & BERMAN  
1301 FIFTH AVE STE 2929  
SEATTLE, WA 98101

Justine Fischer, Esq.  
808 SW Third Ave., #400  
Portland, OR 97204

Michael M. Later, Esq.  
PARR WADDOUPS BROWN GEE & LOVELESS  
185 S ST ST STE 1300  
SALT LAKE CITY, UT 84147

Mr. Clark Waddoups, Esq.  
PARR WADDOUPS BROWN GEE & LOVELESS  
185 S STATE ST STE 1300  
PO BOX 11019  
SALT LAKE CITY, UT 84147  
FAX 9,5327750

R. Alan Wight, Esq.  
MILLER, NASH, WIENER, HAGER & CARLSEN  
111 SW Fifth Avenue, #3500  
Portland, OR 97204-3699

Bruce A. Rubin, Esq.  
MILLER, NASH, WIENER, HAGER & CARLSEN  
111 SW Fifth Avenue, #3500  
Portland, OR 97204-3699

Mr. Daniel L. Berman, Esq.



BERMAN GAUFIN TOMSIC & SAVAGE  
50 S MAIN ST STE 1250  
SALT LAKE CITY, UT 84144  
FAX 9,5319926

Mr. Samuel O Gaufin, Esq.  
BERMAN GAUFIN TOMSIC & SAVAGE  
50 S MAIN ST STE 1250  
SALT LAKE CITY, UT 84144  
FAX 9,5319926

Mr. Gary F. Bendinger, Esq.  
GIAUQUE CROCKETT BENDINGER & PETERSON  
170 S MAIN STE 400  
SALT LAKE CITY, UT 84101-1664  
FAX 9,5311486

Mr. Richard W. Casey, Esq.  
GIAUQUE CROCKETT BENDINGER & PETERSON  
170 S MAIN STE 400  
SALT LAKE CITY, UT 84101-1664  
FAX 9,5311486

Robert A. Peterson, Esq.  
GIAUQUE CROCKETT BENDINGER & PETERSON  
170 S MAIN STE 400  
SALT LAKE CITY, UT 84101-1664  
FAX 9,5311486

Barbara A. Mentz, Esq.  
DELOITTE & TOUCHE  
1633 BROADWAY  
NEW YORK, NY 10019

Mary T. Huser, Esq.  
MCCUTCHEN, DOYLE, BROWN & ENERSEN  
Three Embarcadero Center  
San Francisco, CA 94111

Mr. Alan L Sullivan, Esq.  
SNELL & WILMER LLP  
111 E BROADWAY STE 900  
SALT LAKE CITY, UT 84111  
FAX 9,2371950

Ms. Cynthia J. Crass, Esq.  
FIRST SECURITY BANK  
ROOM 300  
79 S MAIN STREET  
SALT LAKE CITY, UT 84111  
(801)246-5360

Mr. Henry E Heath, Esq.  
STRONG & HANNI  
9 EXCHANGE PLACE STE 600  
SALT LAKE CITY, UT 84111  
FAX 9,3232090

Mr. Vernon L Hopkinson, Esq.  
COHNE RAPPAPORT & SEGAL

PO BOX 11008  
SALT LAKE CITY, UT 84147

Mr. Rick Cecala, Esq.  
2600 N CENTRAL AVE STE 850  
PHOENIX, AZ 85004

Brent V. Manning, Esq.  
MANNING CURTIS BRADSHAW & BEDNAR LLC  
370 E S TEMPLE STE 200  
SALT LAKE CITY, UT 84111  
FAX 9,3645678

Mr. Glen E. Davies, Esq.  
PARSONS DAVIES KINGHORN & PETERS  
185 S STATE ST STE 700  
SALT LAKE CITY, UT 84111

Mr. J. Michael Hansen, Esq.  
HANSON NELSON CHIPMAN & QUIGLEY  
215 S STATE ST STE 800  
SALT LAKE CITY, UT 84111

Ronald L. Olson, Esq.  
MUNGER, TOLLES & OLSON  
355 S GRAND AVE STE 3500  
LOS ANGELES, CA 90071-1560

Stewart M. Hanson Jr., Esq.  
DART ADAMSON DONOVAN & HANSON  
310 S MAIN ST STE 1330  
SALT LAKE CITY, UT 84101